

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CHRISTIANA BANK & TRUST COMPANY,
AS TRUSTEE OF THE SEQUOIA TRUST,

Plaintiff,

-against-

MEMORANDUM AND ORDER
06-CV-3206(JS) (ETB)

DENISE DALTON, also known as DENISE
RICHARDS, ROBERT SIMON, NEIGHBORHOOD
HOUSING SERVICES OF JAMAICA, INC.,
THE BROOKLYN UNION GAS COMPANY,
CRIMINAL COURT OF THE CITY OF NEW
YORK, NEW YORK STATE DEPARTMENT OF
TAXATION AND FINANCE, NEW YORK CITY
PARKING VIOLATIONS BUREAU, NEW YORK
CITY ENVIRONMENTAL CONTROL BOARD,
JOHN DOE 1 THROUGH 10, inclusive,
the names of the ten last named
Defendants being fictitious, real
names unknown to the Plaintiff, the
parties intended being persons or
corporations having an interest in,
or tenants or persons in possession
of, portions of the mortgage,

Defendants.

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APPEARANCES:

For Plaintiff:

Richard F. Komosinski, Esq.
Mark Knuckles, Esq.
Kenneth J. Flickinger, Esq.
Melanie Freda Finkel, Esq.
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For Defendants:

Denise Dalton

Denise Dalton, pro se
156-10 134th Ave.
Jamaica, NY 11434

Robert Simon

Robert Simon, pro se
Peter Young Shelter
11-40 Pacific Street
Brooklyn, NY 11216

The Brooklyn Union
Gas Company:

Steven P. Grodensky, Esq.
LeSchack & Grodensky, P.C.
20 Thomas Street
New York, NY 10007

Neighborhood Housing
Services of Jamaica, Inc.:

Kent B. Dolan, Esq.
Lifflander Reich LLP
1221 Avenue of Americas, 26th Floor
New York, NY 10020-1089

Remaining Defendants: No Appearances.

SEYBERT, District Judge:

On June 7, 2006, Plaintiff commenced this action in state court seeking to foreclose on the premises located at 156-10 134th Street, Jamaica, New York. Defendants removed and this litigation thereafter proceeded in federal court. Plaintiff now seeks to voluntarily dismiss this action under Fed. R. Civ. P. 41(a)(2). Plaintiff sets forth that, on November 30, 2009, "the subject loan of this action was paid off with short sale funds from the sale of the Premises." Flickinger Decl. ¶ 5. Thus, Plaintiff appears to argue, this action is now moot. Defendants have filed no opposition. And the Court sees no reason why Plaintiff's motion should not be granted.

Consequently, Plaintiff's motion is GRANTED. This action is DISMISSED AS MOOT. The Clerk of the Court is directed to mark it as CLOSED.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: Central Islip, New York
October 20, 2010